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10/578,606	05/05/2006	Andrew Thomas Busey	104128-213401/US	2371

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/578,606	BUSEY, ANDREW THOMAS	
	Examiner	Art Unit	
	Philip B. Tran	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

Notice to Applicant

1. This communication is in response to Amendment filed 23 December 2009. Claims 1-2, 5, 8-9, 12, 15-16, 19 and 24 have been amended. Therefore, claims 1-27 are pending for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 8, 15 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, U.S. Pat. No. 7,451,185 in view of Johns et al (Hereafter, Johns), U.S. Pat. Application Pub. No. US 2005/0097173 A1.

Regarding claim 1, Morris teaches a method for sharing information through a first remote server having a first storage medium, the method comprising: receiving code instructions from a user terminal to store an excerpt of information from a second storage medium maintained at a second remote server (i.e., receiving digital images uploaded by a first user or sharing websites by providing a link to a resource such as URL) [see Col. 3, Lines 1-64]. The phrase “to store an excerpt of information from at least one second storage medium maintained with at least one second remote server different from the first remote server” is interpreted as just a statement of intended use because there is

no actual "storing…" step claimed is performed and only step of "receiving code instruction…" is performed.

Morris further teaches user A can invite user B to view the album (folder) by providing the link to user B [see Morris, Col. 3, Lines 49-64]. Morris does not explicitly teach automatically storing the excerpt, in an XML format, in a folder on the first storage medium maintained at the first remote server wherein the folder is selected from a group consisting of a group folder and a public folder, the group folder is accessible by one or more second users specified by the first user as a group, the public folder is accessible to all users subscribed to the public folder. However, Johns teaches XML-based scheme [see Johns, Paragraph 0049] and digital images are stored in folders on data base of the service provider [see Johns, Paragraphs 0011 & 0015 & 0017 & 0021 & 0029-0030] and for group type of folder, the owner of the folder decides to invite 1 or many individuals to subscribe to the folder and for public type of folder, the owner of the folder (album) has decided that anyone can view the folder [see Johns, Paragraphs 0030-0032]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Johns into the teaching of Morris in order to efficiently manage the accessibilities of the users to certain excerpt information in different categorized folder locations.

Claim 8 is rejected under the same rationale set forth above to claim 1.

Claim 15 is rejected under the same rationale set forth above to claim 1.

Regarding claim 23, Morris further teaches album as folder for sharing websites and providing the link to allow other users to view album [see Morris, Col. 3, Lines 49-64]. Morris does not explicitly teaches in response to a search term query, providing search results of a list of public folders with information about one or more websites comprising the queried search term. However, Johns teaches providing search results of a list of public folders with information [see Johns, Paragraphs 0013 & 0015 & 0032 & 0050 & 0055-0056]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Johns into the teaching of Morris in order to efficiently manage the accessibilities of the users to certain excerpt information in different categorized folder locations as shown above in claim 1.

Claim 24 is rejected under the same rationale set forth above to claim 1.

Claim 25 is rejected under the same rationale set forth above to claim 23.

Regarding claims 26-27, Morris further teaches the method of claim 1, further comprising receiving, from the user terminal, a web page address to retrieve the excerpt of information from the second storage device maintained at the second remote server, prior to receiving code instructions from the user terminal to store the excerpt of information and in response to a search term query, providing search results of a list of web pages comprising the queried search term, and receiving, from the user terminal, a selection of a web page from the list of web pages, prior to receiving code instructions from the user

terminal to store the excerpt of information (i.e., sharing websites by providing link to resource stored in album (folder)) [see Col. 3, Lines 1-64].

4. Claims 2-7, 9-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, U.S. Pat. No. 7,451,185 in view of Johns et al (Hereafter, Johns), U.S. Pat. Application Pub. No. US 2005/0097173 A1 and further in view of Brewster et al (Hereafter, Brewster), U.S. Pat. Application Pub. No. US 2002/0147847 A1.

Regarding claim 2, Morris and Johns do not explicitly teach the method of claim 1, wherein the excerpt has a non-XML format, the first remote server, in response to the excerpt, automatically translating the excerpt from the non-XML format into the XML format, so that the translated excerpt is compatible for operation with the user terminal. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses automatically converting received document into XML document before sending to a second user [see Brewster, Fig. 2 and Paragraphs 0004-0005 & 0017 and Page 3, Right Col., Lines 22-24]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Morris and Johns in order to efficiently provide appropriate viewable formats for different users of different type of devices.

Regarding claims 3-4, Morris and Johns do not explicitly teach the method of claim 2, wherein the stored excerpt is the translated excerpt and wherein the

output excerpt is the translated excerpt. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses the stored excerpt is the translated excerpt and the output excerpt is the translated excerpt [see Brewster, Fig. 2 and Paragraphs 0004-0005]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Morris and Johns for the same reason set forth above to claim 2.

Regarding claim 5, Morris and Johns do not explicitly teach the method of claim 1, wherein the excerpt has an alternate XML format, the first remote server, in response to the excerpt, automatically translating the excerpt from the alternate XML format into a generic XML format, so that the translated excerpt is compatible for operation with the user terminal. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses automatically translating the excerpt from the alternate XML format into a generic XML format [see Brewster, Fig. 2 and Paragraphs 0005-0006 & 0017-0021]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Morris and Johns in order to efficiently provide appropriate viewable formats for different users of different type of devices.

Regarding claims 6-7, Morris and Johns do not explicitly teach the method of claim 5, wherein the stored excerpt is the translated excerpt and wherein the

output excerpt is the translated excerpt. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses the stored excerpt is the translated excerpt and the output excerpt is the translated excerpt [see Brewster, Fig. 2 and Paragraphs 0004-0005]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Morris and Johns for the same reason set forth above to claim 5.

Claims 9-14 are rejected under the same rationale set forth above to claims 2-7.

Claims 16-21 are rejected under the same rationale set forth above to claims 2-7.

Regarding claim 22, Morris and Johns does not explicitly teach the method of claim 1 comprising, in the XML format, automatically outputting the excerpt to one or more second users preselected by the first user. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses automatically e-mailing the data contained within the XML document to a recipient indicated by the first user when submitting the first document wherein the recipient is a second user [see Brewster, Fig. 2 and Page 3, Right Col., Lines 30-34]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of

Brewster into the teaching of Morris and Johns in order to efficiently provide appropriate viewable formats for different users of different type of devices.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

Based on the broadest reasonable interpretation, Morris still teaches a method for sharing information through a first remote server having a first storage medium comprising receiving code instructions from a user terminal to store an excerpt of information from a second storage medium maintained at a second remote server. For example, Morris discloses receiving digital images uploaded by a first user or sharing websites by providing a link to a resource such as URL [see Morris, Col. 3, Lines 1-64]. The examiner interprets the phrase “to store an excerpt of information from at least one second storage medium maintained with at least one second remote server different from the first remote server” as just a statement of intended use because there is no actual “storing…” step claimed is performed and only step of “receiving code instruction…” is performed. Therefore, argument related to at least one second remote server different from the first remote server is moot.

Morris further teaches user A can invite user B to view the album (folder) by providing the link to user B [see Morris, Col. 3, Lines 49-64]. Morris does not explicitly teach automatically storing the excerpt, in an XML format, in a folder on the first storage medium maintained at the first remote server wherein the folder

is selected from a group consisting of a group folder and a public folder, the group folder is accessible by one or more second users specified by the first user as a group, the public folder is accessible to all users subscribed to the public folder. However, Johns teaches XML-based scheme [see Johns, Paragraph 0049] and digital images are stored in folders on data base of the service provider [see Johns, Paragraphs 0011 & 0015 & 0017 & 0021 & 0029-0030] and for group type of folder, the owner of the folder decides to invite 1 or many individuals to subscribe to the folder and for public type of folder, the owner of the folder (album) has decided that anyone can view the folder [see Johns, Paragraphs 0030-0032]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Johns into the teaching of Morris in order to efficiently manage the accessibilities of the users to certain excerpt information in different categorized folder locations.

Other independent claims 8, 15 and 24 are rejected for the same reasons set forth above. Dependent claims are therefore rejected at least by virtue of their dependency on independent claims and by other reasons set forth above in the rejection portion.

In view of the foregoing, the examiner asserts that the combination of cited references (Morris and Johns) does teach or suggest the subject matter recited in independent claim. Accordingly, the examiner respectfully maintains the rejections for claims 1-27 as shown above.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Apr 02, 2010